

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Western Division

JAN 13 1999

DAVID W. DANIEL, CLERK
US DISTRICT COURT
E. DIST. N. CAROLINA

NO. 5:99 CV-22-BO3

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
Floyd Robinson,)
)
Defendant(s).)

COMPLAINT

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, complains and says:

1. That this action is brought by the United States of America, with jurisdiction provided by 28 U.S.C., Section 1345.
2. That the defendant(s) is a resident of the Eastern District of North Carolina.
3. That the defendant(s) is indebted to the plaintiff in the principal amount of \$2,875.13, plus interest on this principal computed at the rate of 8 percent per annum, for a total amount of \$3,410.02 as of July 24, 1998 and interest thereafter on this principal at the rate of 8 percent per annum until the date of judgment. See Exhibit "A" attached hereto and incorporated herein.
4. Demand has been made upon the defendant by the plaintiff for the sum due but the amount due remains unpaid.

Wherefore, the plaintiff prays judgment against the defendant for the total of \$3,410.02, plus interest at 8 percent per annum on the principal of \$2,875.13 that has accrued from the date stated in the Certificate of Indebtedness to the date of judgment, plus costs. Plaintiff further requests, pursuant to 28 U.S.C. § 1961, that interest on the judgment be at the legal rate until paid in full.

This the 13th day of January, 1999.

JANICE MCKENZIE COLE
United States Attorney

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U. S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS

Floyd Robinson
2206 Tolgate Rd
Fayetteville NC 28304
SSN: 245-29-0856

I certify that Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 7-24-98.

On or about 6-18-91, the borrower executed promissory note(s) to secure loan(s) of \$2625.00 from First American Bank, Richmond, VA at 8 percent interest per annum. This loan obligation was guaranteed by State Education Assistance Authority, and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 CFR. Part 682). The holder demanded payment according to the terms of the note(s), and credited \$0 to the outstanding principal owed on the loan(s). The borrower defaulted on the obligation on 9-13-94, and the holder filed a claim on the guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$2875.13 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. The guarantor attempted to collect the debt from the borrower. The guarantor was unable to collect the full amount due, and on 2-11-97, assigned its right and title to the loan(s) to the Department.

Since assignment of the loan, the Department has received a total of \$80.00 in payments from all sources, including Treasury Department offsets, if any. After application of these payments, the borrower now owes the United States the following:

Principal:	\$ <u>2875.13</u>
Interest:	\$ <u>534.89</u>
Administrative/Collection Costs:	\$ <u>.00</u>
Late fees:	\$ <u>.00</u>
Total debt as of <u>7-24-98</u> :	\$ <u>3410.02</u>

Interest accrues on the principal shown here at the rate of \$.63 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 8/4/98

Name: Floyd Robinson

Title: Deputy Loan Analyst

Branch: Fayetteville

**GOVERNMENT
EXHIBIT**